

REMARKS

With the present amendment to claim 1 “over-attenuation” is further defined by reciting that the “virulent pathogen,” with which the animal is primed, is one “that predisposes the animal for infection with a secondary pathogen.” Support for this amendment is found in the Specification, page 4, lines 25-30.

In the Office Action of November 23, 2009, the Examiner rejected claims 1-15 for being indefinite under 35 USC 112, second paragraph, with regard to the meaning of “virulent pathogen” in defining “over-attenuated.” With this amendment a “virulent pathogen” is defined as one that predisposes the animal for infection with a secondary pathogenic bacterium. With this amendment it is believed the rejection is overcome. Favorable action is solicited.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 19-0365. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or reimburse such overpayment to Deposit Account No. **19-0365**.

Applicants submit that this application is in condition for allowance. Should the Examiner believe that a conference would be helpful in advancing the prosecution of this application, he is invited to telephone Applicants’ attorney at the number below.

Respectfully submitted,

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